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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,511	01/16/2001	Takayuki Hisanaka	2309/01158	5640
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary - The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. If the period for reply sepicifies above is less than Interpolated of the provisors of 2 CFR 1.18(a). Into event, however, may a reply be limitely filed and the provisors of 2 CFR 1.18(a). Into event, however, may a reply be limitely filed or the provisors of 2 CFR 1.78(a). Into event, however, may a reply be limitely filed or the provisors of 2 CFR 1.78(b). Into event, however, may a reply be limitely filed. If the period for reply sepicifies above is less than Interpolate of 2 CFR 1.78(b). Into event, however, may a reply be limitely filed. If the period for reply sepicifies and the provisors of 2 CFR 1.78(b). If the period for reply sepicifies and the provisors of 2 CFR 1.78(b). If the period for reply sepicifies and the period of 2 CFR 1.78(b). Any reply received by the Office later than three norms after the maining cals of this communication. A price of the period called the period of the communication of the period of the communication. A price of the above claim(s) is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parto Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims A) Claim(s) 1.7 [sare repected. Application Papers 9) The specification is objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. Application Papers 10) The drawing(s) filed on issalers and accepted or bi objected to by the Examiner. Application Papers 9) The proposed drawing correction filed on issalers and complete or period to the drawing (s) be held in abevance. Sea 37 CFR 1.85(e). 11) The proposed drawing correct			Application No.	Applicant(s)			
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The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ③ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions for many be available used the provisions of 3 CFR 1.136(a). Inno event, however, may a reply be timely filed Extensions for many be available used the Improvision of 3 CFR 1.136(a). Inno event, however, may a reply be timely filed If the period for reply sepacified above is less than thinly (30) days, a reply within the statutiony minimum of thinly (30) days will be considered intenty. If the period for reply sepacified above is less than thinly (30) days, a reply within the statutiony period will apply and will explice 30% (MONTHS from the mailing calls of the communication, exert is freely filed, days vector days are reply within the section of the communication, exert is freely filed, may exclude the period of this communication, exert is freely filed, may exclude the period of this communication, exert is freely filed, may exclude the period of the communication, exert is freely filed, may exclude the period of the communication, exert is freely filed, may exclude the period of the communication, exert is freely filed, may exclude the period of the communication to exert is freely filed, may exclude the period of the communication, exert is freely filed, may exclude the period of the communication to exert is freely filed, may exclude the period of the communication of the communication of the communication of the period of the communication to exert is freely filed. 1) Sepace that a period of the period of the period of the communication to exert is freely filed. 2) Claim(s) 1-1 Is/a free pending in the application. 4) Of the above claim(s) 1-2 Is/are explication is a period of the p			Examiner	Art Unit			
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2. ☐ Certified copies of the priority documents have been received in Application No 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) ☐ The translation of the foreign language provisional application has been received. 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) ☒ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)	a)⊠ All b)□ Some * c)□ None of:						
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application). a) ☐ The translation of the foreign language provisional application has been received. 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 1) ☒ Notice of References Cited (PTO-892) 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)	1. Certified copies of the priority documents have been received.						
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)	Attachment(s)						
	2) Notice	e of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal	· · · · · · · · · · · · · · · · · · ·			

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DETAILED ACTION

1. The finality of Paper #5 has been withdrawn, and an action on the amendment submitted 10/10/02 follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 3. Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Brecher (4,790,836).
- 4. Brecher discloses the use of a disposable diaper with a topsheet (6), backsheet (10), a core (8) located there between, a layer containing a skin protective ingredient such as a medicated powder (4), and a water soluble film (2) located on top of the powder (See figure 1). Brecher discloses the film layer is dissolved as soon as the infant wets the diaper (column 2, lines 27-30). Therefore the solubility of the film would be promoted at the temperature of the urine it comes in contact to, which is approximately 37 degrees Celsius when leaving the body.

Claim Rejections - 35 USC § 103

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

- 6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brecher in view of Ehrnsperfer et al. (6,160,200).
- 7. Brecher discloses the water soluble film can be made of any water soluble material, but does not discloses the specific type of water soluble material. Ehrnsperfer discloses a water soluble layer that is a body contacting layer of a diaper is polyvinyl alcohol. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the water soluble material of Brecher, be the polyvinyl alcohol of Ehrnsperfer, in order to promote increased strength, breathability, opacity and rate of dissolution. (see Ehrnsperfer column 11)
- 8. Claims 3-6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brecher in view of Schulte et al. (6,166,285).
- 9. With respect to Claim 3: Brecher discloses the use of medicated powder as a skin protective ingredient and recognizes that lotion or cream is commonly used in conjunction with diapers, but does not disclose that the skin protective ingredient is formed of a compound capable of forming an oily film on the skin of the wearer. Schulte discloses the use of a skin care composition that is placed on the topsheet of an absorbent article so that during use a potion of the composition will be transferred to the skin of a wearer, and the composition is in a variety of forms such as powders, lotions, creams or ointments (column 23, line 64 to column 24, line 13). Lotions creams or ointments are fully capable of forming an oily film on the skin of the wearer. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the medicated powder of Brecher with the skin care composition of Schulte, in

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order to provide a controlled application of the skin-protecting ingredient, to allow transfer of optimal levels of composition to the skin to maintain and/or improve skin health. (See Schulte column 24).

- 10. With respect to Claim 4: See Schulte, column 25, lines 40-45.
- 11. With respect to Claim 5: See Schulte, column 27, lines 14-24 and column 32, lines 42-56.
- 12. With respect to Claim 7: Brecher also fails to disclose the use of leak-preventive cuffs where the layer of skin protective ingredient and the water soluble layer are disposed on the cuffs. Schulte discloses the use of leg cuffs (62), where the skin care composition are disposed on the cuffs as well as the topsheet (See Figure 1 and column 11, lines 5-8). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the diaper of Brecher include the cuffs of Schulte, where the cuffs also included the layer with skin protective ingredient and the water soluble layer of Brecher, in order to prevent leakage out sides of the article, and so that the skin protecting ingredient is readably transferable to the wearer's skin during use. (see Schulte, abstract and column 8).

Response to Amendment

13. Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (703) 308-8579. The examiner can normally be reached on M-F (7:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (703)308-1957. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

jaw // // October 24, 2002

Aaron J. Lewis
Primary Examiner